

**Adjournment.**

On motion of Senator Woodward, the Senate, at 10:55 o'clock a. m., adjourned until 10:00 o'clock a. m., Friday.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Oct. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find same correctly engrossed.

REGAGN, Chairman.

Committee Room,  
Austin, Texas, Oct. 25, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 10 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Oct. 24, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Contingent Expenses, to whom was referred S. C. R. No. 4, as follows:

"Whereas, There is not now within a reasonable distance of the Capitol an eating establishment adequately operated to take care of the needs of the Members of the Legislature and other employees of the State Government; and,

"Whereas, There exists a very definite need for a coffee shop within the Capitol Building for the convenience of such Members of the Legislature and other governmental employees; now, therefore, be it

"Resolved, by the Senate of Texas, the House of Representatives concurring. That the State Board of Control be instructed to select and set aside a suitable location, and install or cause to be installed either in the basement of the Capitol Building or elsewhere, such coffee shop, and that said coffee shop be either leased to a private interest for operation or that it be operated by the State for the benefit of the State, and that the

cost of installation of the same be paid out of the contingent fund of the Legislature; and, be it further

"Resolved, That the said coffee shop be prepared and got in readiness for opening not later than the convening of the Regular Session of the Forty-third Legislature, which meets on January 8, 1935; be it further

"Resolved, That the Secretary of the Senate be and is hereby instructed to present a copy of this resolution to the Board of Control with the request that it be given immediate attention."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Chairman.

**ELEVENTH DAY.**

Senate Chamber,  
Austin, Texas,  
October 26, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Fellbaum.	Small.
Holbrook.	Woodul.
Parr.	

Prayer by the Chaplain.

On motion of Senator Woodward, further reading of the Journal was dispensed with.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Senators Excused.**

Senators Holbrook, Parr, Small and Woodul were excused, on account of important business, on motion of Senator Moore.

**Conference Report.**

Senator Rawlings sent up the following report on H. B. No. 7:

Committee Room,

Austin, Texas, Oct. 23, 1934.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on H. B. No. 7, beg leave to submit the following report:

We have had H. B. No. 7 under consideration, and recommend the adoption of the attached bill.

RAWLINGS,  
DUGGAN,  
SANDERFORD,  
REDDITT.

On the part of the Senate.

GREATHOUSE,  
CHASTAIN,  
HYDER,  
ALSUP,  
POPE.

On the part of the House.

**A BILL****To Be Entitled**

An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid on or before March 1, 1935; provided said taxes are paid after March 1, 1935, and on or before September 30, 1935, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid after September 30, 1935, and on or before December 31, 1935, with an addition of six per cent (6%) on said taxes; and provided that cities, towns, villages, special school districts and independent school districts are excepted from the provisions of this Act on cer-

tain conditions; providing that any one desiring to pay at one time all delinquent taxes for any one year or more may so pay without paying other delinquent taxes on the same; providing for affidavits of corporations, building and loan companies, building and loan associations, banks, partnerships, or other associations of persons engaged primarily in the business of lending money on real estate; providing that all laws in conflict with this Act are expressly suspended during the term of this Act; providing for the release of costs; providing that property values shall not be increased on certain conditions; declaring a legislative policy; providing that if any section, clause, sentence, paragraph, or part of the Act be adjudged to be invalid by any court of final or competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of the Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before August 1, 1934, due the State, or any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, shall be, and the same are hereby released, provided said ad valorem and poll taxes are paid on or before March 1, 1935.

Sec. 2. That all interest and penalties that have accrued on all ad valorem and poll taxes that were delinquent on or before August 1, 1934, and not paid under the provisions of Section 1 hereof, due to the State, or to any county, common school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State (except such cities, towns, villages, special school districts and independent school districts which do not adopt the provisions of this Act in the manner hereinafter provided) shall be and the same are hereby released, provided said ad valorem and poll taxes are paid after March 1, 1935, and on or before September

30, 1935, with an addition of two per cent (2%) penalty on said taxes; and said interest and penalties shall be and the same are hereby released, provided said ad valorem and poll taxes are paid after September 30, 1935, and on or before December 31, 1935, with an addition of six per cent (6%) penalty on said taxes; provided that the penalties prescribed herein shall not be cumulative.

It is provided that the provisions of Section 2 hereof shall not apply to cities, towns, villages, special school districts, and independent school districts unless and until the governing body of any such city, town, village, special school district, or independent school district finds that unusual or excessive default in the payment of ad valorem or poll taxes has occurred, and that an extension of time for the payment of such delinquent ad valorem and poll taxes will promote and accelerate the collection thereof, whereupon such governing body shall adopt a resolution or ordinance evidencing such findings and upon the recording of such findings of fact the provisions of this Act shall be in full force and effect as to any such city, town, village, special school district, or independent school district.

It is hereby expressly and specifically provided that the penalties and interest herein released are released only and on delinquent ad valorem and poll taxes and on no other taxes.

Sec. 3. Nothing contained in Sections 1 and 2 of this Act shall be construed as postponing, delaying, or extending the time for the payment of delinquent taxes covered by this Act, nor as prohibiting, postponing, or delaying the filing or the prosecution of any suits for the enforced collection of the same, provided that all interest and penalties shall be released as provided in Sections 1 and 2 hereof, and provided no additional costs shall be charged against any one who shall pay his taxes under the provisions hereof.

Sec. 4. Any person, firm, association of persons or corporation desiring to pay at one time all delinquent ad valorem and poll taxes owed by such person, firm, association of persons, or corporation, for any one year or for any number of years, shall have the right to pay same under the provisions of this Act without at the same time paying any other taxes

that may be then delinquent upon the same property.

Sec. 5. No corporation of any kind, and no building and loan company, building and loan association, bank, partnership, or other association of persons engaged primarily in the business of lending money on real estate shall be entitled to take advantage of the provisions of this Act unless and until a duly authorized officer of said corporation, building and loan company, building and loan association, bank, partnership, or other association of persons makes an affidavit stating that such corporation, building and loan company, building and loan association, bank, partnership, or other association of persons is, at the time such payment of such taxes is tendered, unable to pay the accumulated interest and penalties on such delinquent taxes; and it shall be the duty of the tax collector, or his duly authorized assistant, to administer said oath, and no fee shall be charged for said service.

Sec. 6. Nothing herein contained shall be construed as a legislative sanction or approval of the Act or policy of any board of equalization of any county, city and/or other subdivision of the State in increasing the values of properties as a means of collecting additional taxes occasioned as a result of the failure of any person, firm, or corporation to pay taxes when due; and it is hereby declared to be the policy of the Legislature to discourage such acts or policy which result in increasing property values for such purposes.

Sec. 7. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly suspended during the term of this Act, insofar as the same are in conflict with the provisions hereof.

Sec. 8. It is further provided that in case any section, clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not in effect impair or invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, sentence, paragraph, or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

Sec. 9. The fact that millions of dollars in taxes are now due and

have been due to the State and its subdivisions for many years past by people who would meet their obligations to the State Government if the heavy costs and penalties and interests were omitted, creates an emergency and an imperative public necessity demanding that the constitutional rule which requires all bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and said Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Special Order Set.

Senator Rawlings moved that the conference report on H. B. No. 7 be set for special order, Monday morning, after the morning call.

The motion prevailed.

#### S. C. R. No. 4.

Senator Rawlings called up S. C. R. No. 4.

Whereas, There is not now within a reasonable distance of the Capitol an eating establishment adequately operated to take care of the needs of the members of the Legislature and other employees of the State Government; and,

Whereas, There exists a very definite need for a coffee shop within the Capitol Building for the convenience of such members of the Legislature and other governmental employees; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Board of Control be instructed to select and set aside a suitable location, and install or cause to be installed either in the basement of the Capitol Building or elsewhere, such coffee shop, and that said coffee shop be either leased to a private interest for operation or that it be operated by the State for the benefit of the State, and that the cost of installation of the same be paid out of the contingent fund of the Legislature; and be it further

Resolved, That the said coffee shop be prepared and got in readiness for opening not later than the convening of the Regular Session of the Forty-fourth Legislature which meets on January 8, 1935; be it further

Resolved, That the Secretary of the Senate be and is hereby instructed to present a copy of this resolution to

the Board of Control with the request that it be given immediate attention.

Senator Rawlings moved that S. C. R. No. 4 be laid on the table subject to call.

The motion prevailed.

#### S. C. R. No. 6.

Senator Regan sent up the following resolution:

Whereas, On or about December 19, 1933, W. H. McKenzie of Monahans, Texas, was an employee of the State Highway Department, and had been so employed for a period of more than three years, and on the date referred to was working on the Bankhead Highway No. 1 of the State of Texas; and,

Whereas, While hauling caliche from a caliche pit, said pit caved in, injuring his spine to the extent that he is permanently crippled and will never be able to stand or walk, causing him to be a dependent the remainder of his life; and,

Whereas, Mr. McKenzie, by reason of these injuries, has had no income and is, therefore, in destitute circumstances and has been compelled to accept the aid of the R. F. C., the county in which he resides, and the Masonic Lodge to support his family; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, that the said W. H. McKenzie be and he is hereby granted permission to bring suit against the State of Texas in a court of competent jurisdiction to determine what compensation he is entitled to receive by reason of injuries received while an employee of the State Highway Department, and that in case such suit be filed service of citation or other necessary process may be had upon the Highway Commission and Attorney General with the same force and effect as is made and provided in civil suits.

Read and referred to the Committee on State Affairs.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Oct. 26, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 6 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Hughes, Pope, Lotief, Jones of Atascosa, Good.

The House has adopted the Conference Committee Report on H. B. No. 7 by a vote of 110 yeas, 6 nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conference Committee Appointed.

Senator Hornsby moved that the Senate grant the request of the House for a conference committee on H. B. No. 6.

The motion prevailed.

The Chair, Lieutenant Governor Edgar E. Witt, appointed the following conferees on part of the Senate:

Redditt, Collie, Pace, Poage, Oneal.

#### Senate Resolution No. 8.

Senator Moore sent up the following resolution:

Senators Moore and Hornsby asked that the names of all the Senators be added.

Whereas, There is wide spread interest in the achievements of The University of Texas and Rice Institute football clubs, because of their inter-sectional victories; and,

Whereas, These nationally known clubs are to meet on the gridiron at Houston, Saturday afternoon, October 27th; and,

Whereas, It is generally reported that athletic officials of Rice Institute have refused to permit a broadcast by radio of the game in face of the fact that broadcasting facilities are available; and,

Whereas, Untold thousands of Texas and other citizens are unable to obtain tickets to see this gridiron combat between these two teams that have brought widespread publicity to Texas and the Southwest; and,

Whereas, We believe the athletic officials of Rice Institute are not dealing fairly with the fans and friends of the respective institutions; now, therefore, be it

Resolved, by the Senate, That the athletic officials of Rice Institute be

and they are hereby respectfully requested to permit a broadcast of this game for the benefit of the people of Texas and those outside of the State who are interested in the success of these two teams; be it further

Resolved, That the Secretary of the Senate be instructed to forward a copy of this resolution to the officials of Rice Institute and the University of Texas.

Beck, Blackert, Collie, Cousins, Duggan, Fellbaum, Greer, Holbrook, Hopkins, Hornsby, Martin, Moore, Murphy, Neal, Oneal, Pace, Parr, Patton, Poage, Purl, Rawlings, Redditt, Regan, Sanderford, Small, Stone, Woodruff, Woodul, Woodward.

The resolution was read and Senator Moore asked unanimous consent to take up and consider at this time without reference to a committee.

Senator Woodruff objected.

Senator Woodruff withdrew his objection.

Senator Hornsby moved the adoption of the resolution.

The resolution was adopted by viva voce vote.

#### Record of Vote.

Senator DeBerry asked to be recorded as voting "nay" on the adoption of S. R. No. 8.

#### Adjournment.

On motion of Senator Beck, the Senate, at 11:00 o'clock a. m., adjourned until 10:00 o'clock a. m. Monday.

#### APPENDIX.

##### Petitions and Memorials.

Bledsoe, Crenshaw & Dupree.

Lubbock, Texas, Oct. 24, 1934.

Senator Will M. Martin,  
State Senate,  
Austin, Texas.

Dear Senator:

As a native Texan, and one who has from childhood been interested in the history of the past, and the present and future growth of the State of Texas, I desire to respectfully enter my protest to the State Legislature of Texas appropriating any of the people's money in this State for the furtherance of sectional commercial ambitions, as regards the Texas Centennial.

In the first place, it occurs to me that the main objective of the Centennial is to have the citizenship of Texas, and those interested outside of Texas, to relive and revivify the Texas history of the past. That it would be more appropriate for the minds of our people to be directed across the threshold of the old home of Sam Houston; to the hallowed battleground of San Jacinto; to the immortal history of Goliad; to the sublime sacrifices for Texas liberty by the patriots defending the Alamo; to the struggles of the early pioneers on the banks of the Brazos and in the vicinity of Houston for a stabilized system of free government and of free education, rather than to a commercial fair to be held in the city of Dallas, where, if I recall my history, it would be impossible to select a shrine connected with the other early struggles of our forefathers so far as their fight for freedom was made.

With these ideals in view and ends to be obtained in reliving and perpetuating the wonderful memories and struggles relating to Texas liberty, I do not believe, that especially in this time of world wide struggle for existence that is so predominant among our Texas citizenship, as well as elsewhere, that the public moneys of this republic and State, should be appropriated for such an enterprise as is contemplated by the proponents of this measure.

I am not unmindful of the fact that Texas under six flags presents a glamorous and wonderful heritage to its citizenship, that Travis, Bowie, Crockett and Fannin, as they crossed the line for Texas liberty in the immortal days of the Alamo, should live forever in the minds of Texas youth and Texas citizenship; that the ringing cry of "Me no Alamo"—"Me no Goliad," as the Mexican hordes realized that their tyrannical power under Santa Anna was coming to a close, and that the star of Texas liberty was rising never to again be dimmed by Mexican tyranny, should forever live as a vivid flaming ideal in the minds of every Texas citizen; that the history of the Texas seal should be passed down from father to son; that the courageous sacrifices of Stephen F. Austin and his father, should ever be kept alive in the breasts of real Texans; that the constitutional covenants from which emerged a wonder-

ful document of liberty, should be re-read to the youth of Texas from time to time; that all of our citizenship should turn aside to relive this heritage, and in such living to reconsecrate our lives to the free principles of government exemplified thereby. These ideals and purposes cannot and will not be obtained by an appropriation of four or five million dollars of the people's money for a carnival celebration in the city of Dallas, and such appropriation cannot be defended on the ground of patriotism, because the patriotism of the people of Texas to their heritage of the past, cannot be measured in dollars and cents.

So, with these sentiments in my heart and mind, may I humbly suggest to you, my friend, as a member of the law making body of Texas, that rather than to appropriate the people's money in this dire time to such an enterprise as is proposed, refuse to sanction such appropriation, and become a leader for the ideal that will, as Texas citizens, during the Centennial year, turn the minds of Texas people and the Texas youth back to the real history of the past, and to the places where such history originated; that such heritage may become an integral part of the life of every true Texan, because of the knowledge that comes from a rehearing and a reliving of the past where such past was made, rather than that of a celebration in the city of Dallas.

I, for one, am willing to join in a statewide movement to carry our youth back to the home of Sam Houston, to the San Jacinto battlefield, to the hallowed ground of the struggle at Goliad, and to the immortal history of the Alamo, but I will ever oppose appropriation of the taxpayers' money for the purposes now proposed by commercial interests under the guise of patriotism.

Of course, as you know, in the struggles for Texas development, the pioneers of Western Texas have given of their part, as well as those east of the Texas and Pacific Railroad, and in this program of education, and of relearning the past, I believe that the people in West Texas are interested in marking the sites of historical progress here, as well as those in other portions of the State, and I do not believe that too much credit can be given to the pioneers of Western Texas who have given to

the State the foundations of present development here, so it seems to me that the tribute and honor paid to past Texas history should at least include that great and wonderful portion of such history that has been written in the western portion of our State.

Your good friend,

GEO. W. DUPREE.

GWD:H

#### Committee Reports.

Committee Room,

Austin, Texas, Oct. 24, 1934.

Hon. Edgar E. Witt, President of the Senate:

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract or judgment has been recorded and indexed, as provided in Article 5448, 1925 Civil Statutes, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Rawlings.

S. B. No. 7.

#### A BILL

#### To Be Entitled

An Act amending Article 5449, 1925 Civil Statutes, so as to provide that when any abstract of judgment has been recorded and indexed, as provided in Article 5448, 1925 Civil Statutes, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made and upon all real estate which defendant may thereafter acquire, situated in said county during the life of the judgment, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5449 of the Revised Civil Statutes of the State of Texas, 1925 revision, be amended so as to read as follows:

Article 5449. When any judgment has been so recorded and indexed, it shall, from the date of such record and index, operate as a lien upon all of the real estate of the defendant situated in the county where such record and index are made, and upon all real estate which the defendant may thereafter acquire, situated in said county. Said lien shall continue during the life of said judgment.

Sec. 2. The fact that under amended Articles 2451 and 3773, 1925 Civil Statutes, a judgment creditor has ten (10) years from and after the date of judgment within which to have execution issued thereon, and the fact that under present Article 5449 a judgment lien shall cease to exist if the plaintiff fails to have execution issued on his judgment within twelve (12) months after the rendition thereof, which statute if left unamended would cause unnecessary and useless expense to litigants, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this act shall take effect and be in force from and after its final passage, and it is so enacted.

#### TWELFTH DAY.

Senate Chamber,

Austin, Texas,

October 29, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.